

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

V.

CHARTER COMMUNICATIONS, INC., et
al.,

Defendants.

TOUCHSTREAM TECHNOLOGIES, INC.,

Plaintiff,

V.

COMCAST CABLE COMMUNICATIONS,
LLC, d/b/a XFINITY, et al.,

Defendants.

Lead Case No. 2:23-cv-00059-JRG
Member Case No. 2:23-cv-00062-JRG

JOINT MOTION TO AMEND FIRST AMENDED DOCKET CONTROL ORDER

Plaintiff Touchstream Technologies, Inc., Defendants Charter Communications, Inc., et al., and Defendants Comcast Cable Communications, LLC, et al. (collectively, the “parties”) respectfully request that the Court grant this joint motion to modify certain deadlines set forth in the Court’s May 31, 2024 First Amended Docket Control Order (Dkt. No. 61) (hereinafter “Docket Control Order”) for the reasons set forth below.

The parties believe that certain modifications to the pretrial-disclosure schedule will streamline the exchange of disclosures and ensure that the parties have sufficient time to meet and confer in advance of the September 18 deadline to file the joint pretrial order and various pretrial materials with the Court. None of these modifications will affect any filing deadlines. Instead, the proposed modifications solely concern interim service and meet-and-confer deadlines between the parties.

The parties thus propose the following amendments to the Docket Control Order:

Event	Current Deadline	Proposed Date
Serve Witness Lists on All Issues (Irrespective of Burden of Proof)	n/a	August 12, 2024
*Response to Dispositive Motions	August 19, 2024	Unchanged
Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof	August 22, 2024	n/a (replaced by first event above and next event)
Serve Affirmative Deposition Designations and Exhibit Lists on All Issues (Irrespective of Burden of Proof)	n/a	August 22, 2024
Parties to Meet and Confer on Motions <i>in Limine</i>	n/a	August 23, 2024
Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures	August 26, 2024	n/a (replaced by next event)
Serve Objections to Witness Lists, Exhibit Lists, and Affirmative Deposition Designations, including Counter-Designations	n/a	September 3, 2024
Serve Objections to Rebuttal Pretrial Disclosures	September 3, 2024	n/a (no rebuttal pretrial disclosures)
File Motions <i>in Limine</i>	September 3, 2024	Unchanged
*File Notice of Request for Daily Transcript or Real Time Reporting	September 9, 2024	Unchanged
Serve Objections to Counter-Designations	n/a	September 11, 2024
*File Joint Pretrial Order, Joint Proposed Jury Instructions, Joint Proposed Verdict Form, Responses to Motions <i>in Limine</i> , Updated Exhibit Lists, Updated Witness Lists, and Updated Deposition Designations	September 18, 2024	Unchanged
*Notify Court of Agreements Reached During Meet and Confer	September 18, 2024	Unchanged
*If a juror questionnaire is to be used, an editable (in Microsoft Word format) questionnaire shall be jointly submitted to the Deputy Clerk in Charge by this date	September 30, 2024	Unchanged
*Pretrial Conference	October 2, 2024	Unchanged
*Plaintiff to disclose final election of Asserted Claims	10 days before Jury Selection	Unchanged
*Defendant to disclose final invalidity theories, final prior art references/ combinations, and final equitable defenses	7 days before Jury Selection	Unchanged
*Jury Selection	October 28, 2024	Unchanged

Because the above modifications will streamline the exchange of pretrial disclosures, minimize disputes, and not affect any filing deadlines with the Court, the parties respectfully request that the Court amend the Docket Control Order as set forth above.

Dated: August 9, 2024

Respectfully submitted,

/s/ Mark Schafer

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that this is a joint motion.

/s/ David J. Lisson

David J. Lisson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document is being served through CM/ECF on August 9, 2024.

/s/ David J. Lisson

David J. Lisson